## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

CHERRISH BISHOP,	)	
Plaintiff,	)	
	)	
VS.	)	No. 4:07CV1925 JCH/AGF
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

## REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Currently before the Court is Defendant's motion to remand this Social Security disability case pursuant to sentence six of 42 U.S.C. § 405(g), which provides, "The court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security . . ." This action was referred to the undersigned United States Magistrate Judge under 28 U.S.C. § 636(b).

Following a hearing on Plaintiff's application for Supplemental Security Income Benefits, an Administrative Law Judge ("ALJ") denied Plaintiff's claim in a decision dated March 21, 2007. Plaintiff sought judicial review of the adverse ruling. Before filing an answer to Plaintiff's complaint, the Commissioner filed the present motion to remand the case to the Commissioner for further administrative action. In support of his

argument that there is good cause for remand, the Commissioner states that Plaintiff's

claim file of the ALJ's decision dated March 21, 2007, and the recording of the hearing

held on February 15, 2007, could not be located, preventing the preparation of a proper

court record. The Commissioner states that upon receipt of the Court's remand order, the

Appeals Council of the Social Security Administration would continue to search for the

missing records, and if the recordings could not be located in a reasonable period of time,

the Appeals Council would remand the case for a de novo hearing. The Commissioner

further states that upon completion of the additional administrative proceedings, this case

would be returned to this Court for judicial review.

Plaintiff's attorney has represented to the Court that he has no objection to the

Commissioner's request.

Accordingly,

IT IS HEREBY RECOMMENDED that Defendant's motion for remand (Doc.

#11) be **GRANTED** and the case be **REMANDED** to the Commissioner for further

administrative action.

The parties are advised that they have ten (10) days to file written objections to

this Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1), unless an extension

of time for good cause is obtained.

AUDREY G. FLEISŚIG

HMITED STATES MACISTDATE HIDGE

Dated this 6th day of March, 2008.